

Message Text

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ORIGIN IO-14

INFO OCT-01 EUR-25 EA-11 ISO-00 SPM-01 AID-20 OIC-04 SS-20

NSC-07 SP-03 CIAE-00 INR-11 NSAE-00 RSC-01 SWF-02

PRS-01 H-03 L-03 INRE-00 NSCE-00 SSO-00 SAM-01 SAJ-01

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FM SECSTATE WASHDC

TO AMEMBASSY BUCHAREST IMMEDIATE

INFO AMEMBASSY SAIGON PRIORITY

USMISSION USUN NEW YORK PRIORITY

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E.O. 11652: GDS

TAGS: OCON, WPC, SPOP, VS, PFOR, RO

SUBJECT: PRG ATTENDANCE AT WORLD POPULATION CONFERENCE
(WPC)

REF: BUCHAREST 3588

1. DEPT HOPES CONFRONTATION OVER QUESTION OF PRG PARTICIPATION CAN BE AVOIDED. HOWEVER OUR POSITION CONTINUES TO BE THAT ECOSOC HAS DECIDED INVITATIONS FOR WPC, THAT MATTER CANNOT LEGALLY BE REOPENED, AND THAT PRG NOT RPT NOT ENTITLED TO OFFICIAL PARTICIPATION IN ANY FORM--SPEAKING, VOTING, OR OFFICIAL OBSERVER STATUS. THIS POSITION WILL

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NOT RPT NOT CHANGE, AND US DELEGATION SHOULD OPPOSE SUCH

PARTICIPATION WITH UTMOST VIGOR.

2. IN ANY FURTHER DISCUSSIONS WITH ROMANIANS, YOU SHOULD CONVEY ABOVE POSITION TOGETHER WITH STRONG DESIRE (WHICH WE KNOW ROMANIANS SHARE) THAT WPC NOT BE DIVERTED BY PRG ISSUE. YOU SHOULD ADD, HOWEVER, THAT IF ATTEMPT MADE TO SEAT PRG OR HAVE IT SPEAK THIS WILL BE CHALLENGED FROM THE FLOOR. IN EVENT THIS ISSUE IS PRESSED TO VOTE WE ARE CONFIDENT, JUDGING BY RECENT SIMILAR SITUATIONS, THAT THE LEGAL POSITION REGARDING CONFERENCE PARTICIPATION WILL BE UPHELD. FINALLY, YOU SHOULD SAY THAT, IF PRG SEATED OR PERMITTED TO SPEAK, USG REACTION CANNOT BE PREDICTED BUT IT SHOULD BE CLEARLY UNDERSTOOD THE US REGARDS ISSUE AND

PRECEDENT INVOLVED WITH UTMOST SERIOUSNESS.

3. RE REFTEL PARA 8(A), IT IS CLEAR UN PRACTICE THAT FORMULA FOR PARTICIPATION IN CONFERENCES CONVENED BY UN BODIES IS DETERMINED BY CONVENING BODY AND NOT CONFERENCE ITSELF. FOR EXAMPLE, GA RES 2850 (XXVI), CALLING FOR CONVENING OF UN CONFERENCE ON HUMAN ENVIRONMENT, SET FORTH SPECIFIC INVITATION FORMULA FOR CONFERENCE PARTICIPANTS. SIMILARLY, GA RES 3067 (XXVIII) CALLING FOR CARACAS SESSION OF LOS, APPROVED SPECIFIC INVITATION FORMULA. THIS ALSO PRACTICE OF SUBORDINATE UN BODIES AND SPECIALIZED AGENCIES INCLUDING, FOR EXAMPLE, IMCO INVITATION TO 1973 MARINE POLLUTION CONFERENCE AND ECOSOC INVITATION TO 1974 WORLD FOOD CONFERENCE, UNFORTUNATELY, GIVEN CONTROVERSIAL CHARACTER OF THIS ISSUE, WE CANNOT PREDICT HOW FAR UN LEGAL ADVISERS MIGHT BE WILLING TO GO IN SUPPORTING OUR POSITION; HOWEVER, WE PRESUME THEY WOULD IF ASKED, GIVE FACTUALLY ACCURATE DESCRIPTION OF PAST UN PRACTICE.

4. ECOSOC, IN APPROVING ARRANGEMENTS FOR WPC, CLEARLY CONSIDERED AND DECIDED INVITATION QUESTIONS IN COMPREHENSIVE WAY, INCLUDING PARTICIPATION OF STATES, UN BODIES, INTERGOVERNMENTAL ORGANIZATIONS AND NON-GOVERNMENTAL ORGANIZATIONS. ECOSOC CLEARLY DID NOT RPT NOT CONTEMPLATE THAT INVITATIONS QUESTIONS WOULD BE RAISED AGAIN AT WPC AND ITS FORMULA ALTERED.

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5. MENTION BY BODNARAS OF "HUMAN RIGHTS CONFERENCE" IS PROBABLY REFERENCE TO FEBRUARY SESSION OF CONFERENCE ON INTERNATIONAL HUMANITARIAN LAW IN ARMED CONFLICT WHERE ATTEMPT TO SEAT PRG AS FULL PARTICIPANT FAILED. THAT CONFERENCE WAS CONVENED BY SWISS GOVERNMENT AND NOT UN BODY.

6. RE REFTEL PARA 8 (B) SUGGESTION THAT "TWO ADMINISTRATIONS OF SOUTH VIETNAM" BE SEATED IS TOTALLY UNACCEPTABLE TO US. REFERENCE OF QUESTION TO CREDENTIALS COMMITTEE IS NOT RPT NOT APPROPRIATE UNLESS PRG DEL CLAIMS TO BE LEGITIMATE REP OF GOVERNMENT OF REPUBLIC OF VIETNAM (SOUTH VIETNAM), WHICH THEY HAVE NEVER ARGUED IN PAST, AND WHICH WE WOULD VIGOROUSLY DISPUTE. IF PRG CLAIMS TO BE SEPARATE GOVERNMENT, ADMINISTRATION OR STATE, REFERENCE TO CREDENTIALS COMMITTEE IS NOT APPROPRIATE, AND WE WOULD STRONGLY OPPOSE SUCH A MOVE.

7. DELEGATION SHOULD CONSIDER ON PRIORITY BASIS WHICH OTHER FRIENDLY DELS IT SHOULD CONTACT TO INFORM THEM OF US VIEWS AND TO REQUEST THEIR SUPPORT IN WORKING, AND LOBBYING WITH OTHER DELS TO DETER OR DEFEAT ANY ATTEMPT TO

GAIN OFFICIAL PARTICIPATION FOR PRG. POSSIBLE CANDIDATES FOR SUCH A WORKING GROUP WOULD INCLUDE: BELGIUM, BRAZIL, CANADA, FRG, ITALY, LESOTHO, LIBERIA, JAPAN, MALAYSIA, NEW ZEALAND, SOUTH VIETNAM, THAILAND, UNITED KINGDOM. THERE MAY WELL BE OTHERS WHICH US DEL WILL WISH TO INCLUDE.

8. IN PRESENTING OUR POSITION TO ALL DELS, YOU SHOULD EMPHASIZE LEGAL ARGUMENTS (DRAWING ON PARA 3 ABOVE, STATE 178146 AND STATE 175274) AND FACT THAT IT WOULD BE HARMFUL PRECEDENT WITH GRAVE IMPLICATIONS IF PARTICIPATION FORMULA FOR A UN CONFERENCE, ESTABLISHED BY ITS CONVENING BODY, WERE SET ASIDE BY AGITATION OF A MINORITY GROUP AT CONFERENCE WHICH HOLDS UP CONFERENCE BUSINESS WITH VIEW TO IMPOSING ITS WILL. WHERE SUITABLE, YOU SHOULD ALSO OUTLINE US POLITICAL ARGUMENTS ON PRG'S LACK OF GOVERNMENTAL ATTRIBUTES, AND STATUS UNDER PARIS AGREEMENTS (DRAWING ON STATE 175274, STATE 169371 AND DELEGATION

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POSITION PAPER).

9. DEPT OFFICER (MC DONALD), WHO LEFT AUGUST 16 FOR WPC, IS THOROUGHLY INFORMED ON ALL ASPECTS OF THIS PROBLEM AND WILL BRIEF DELEGATION. HE ALSO HAS RECENT INFO ON VOTING POSITIONS TAKEN BY COUNTRIES IN RECENT VOTES ON PRG ISSUE AT INTERNATIONAL CONFERENCES. REQUEST EMBASSY SUPPLEMENT HIS BRIEFING AS NECESSARY.

10. BASED ON INFO AVAILABLE TO DEPT CONCERNING WPC ATTENDEES, WE WILL BE SENDING YOU ESTIMATED VOTE COUNT ON PRG ISSUE SHOULD IT BE PRESSED TO VOTE. WE LEAVE IT TO DELEGATION TO JUDGE WHETHER BALANCE OF VOTING STRENGTH AT TIME ISSUE RAISED MAKES IT USEFUL TO ATTEMPT POSTPONING CONSIDERATION OF PRG PROBLEM FOR A DAY OR SO AND WHETHER

APPROACHES IN SELECTED CAPITALS WOULD BE HELPFUL. KISSINGER

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